

Comment Letter I98

Hingtgen, Robert J

From: Howard Cook <howwcook@yahoo.com>
 Sent: Thursday, February 27, 2014 11:52 AM
 To: Hingtgen, Robert J; Bennett, Jim
 Cc: Howard Cook; Mark Ostrander; Donna Tisdale; evelynsepin@hotmail.com; joe marshall
 Subject: Dudek says that Soitec can do better at construction water needs than SDG&E at ECO

Soitec Solar Development Project PEIR, Log number 3910 120005

Dear Robert,
 Please put this in the record for the Soitec Project PEIR, Log no. 3910-120005

I was a speaker at the Jacumba Community Services District JCSD monthly meeting, this past Tuesday 02/25. Also in attendance, at the request of the JCSD were Trey Driscoll representing Dudek and Pat Brown of Soitec.

In my presentation, which included the escalation of water use at ECO/Boulevard Substation from 30 million gallons of water to a current 92-95 million gallons for the rough total of 100 acres for that construction. I also then, projected the construction water use on the 1500 acres of similar construction on the Soitec Project to an estimated construction water use of one billion to one billion five hundred million gallons of water (this has previously been commented on to the Soitec PEIR)

After Trey Driscoll and Pat Brown made their presentation, I was discussing the Soitec construction water use with Trey Driscoll. He told me that Soitec did not need the same rigor of construction employed at ECO substation, gen-tie, and therefore would incur a lower water use. He specifically talked about soil compaction and cement construction to lessor standards. Oh, and Pat Brown said that Soitec might be willing to revise their construction water estimates, if required.

My concerns to the County of San Diego DPLU include: what are the construction standards for the Soitec Project and what differences are there in construction standards compared to the San Diego County based ECO/Boulevard with gen-tie project? How are these differences justified and are special exemptions, exceptions being given to Soitec? Another concern is that many of the Soitec projects are located in a flood prone zone, especially Rugged, and if anything, soil compaction, drainage, cement and other construction standards should be higher than at ECO/Boulevard. There is also the risk that foreign companies like Soitec and Ibredola could sustain flood damage and decide to abandon their projects and leave without fixes or compensation. Has the county considered asking Soitec and Ibredola to set up a bond, insurance or a trust fund to protect the County and local residents from such an eventuality?

These concerns also need to be answered by Dudek and Soitec. Ibredola and Soitec are sharing a gen-tie line and other resources, so Ibredola must also be included as to these concerns.

Thank You,
 Howard W Cook

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Response to Comment Letter I98

Howard Cook
 February 27, 2014

- I98-1** The comment letter is acknowledged and will be included in the Final Program Environmental Impact Report (FPEIR) for review and consideration by the decision makers.
- I98-2** The comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers.
- I98-3** Refer to common response WR1 and the response to comment letter I32.
- I98-4** Refer to the response to comment I32-8 for an explanation of why water use at the ECO Substation cannot be considered analogous to the Proposed Project.
- I98-5** As discussed in common response WR1, the County of San Diego has revised the construction-related water use estimate in consultation with the applicants and their consultants. These changes and additions to the Draft Program Environmental Impact Report (DPEIR) provide new information that clarifies and amplifies information already found in the DPEIR and do not raise important new issues about significant effects on the environment; therefore, such changes

	<p>are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.</p> <p>I98-6 Refer to common response WR1 and the response to comment I32-8.</p> <p>I98-7 Issues raised in this comment are considered and addressed in the DPEIR. Please refer to DPEIR Section 3.1.5.3.2, Flood Hazards. As stated in Section 3.1.5.3.2, the Rugged solar farm would be subject to Chapter 6 of the County of San Diego Grading Ordinance, which is designed to protect persons and property against flood hazards by prohibiting the alteration of the surface of land in a manner that reduces the capacity of a watercourse. It also prohibits any action that impairs, impedes, or accelerates the flow of water in a watercourse in such a manner that adversely affects adjoining properties. The ordinance prohibits any land alteration or construction of structures in, upon, or across a watercourse without first obtaining a permit and approval shall not be provided unless the responsible County Official determines that the proposed grading does not create an unreasonable hazard of flood or inundation to persons or property. Grading and development of the Rugged solar farm and other components of the Proposed Project may not proceed unless all applicable site- and project-specific permits and approvals (including approval of a grading plan) are</p>
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	<p>obtained. The projects will comply with all applicable construction standards governing development of the specific sites.</p> <p>I98-8 The commenter is referred to DPEIR Section 3.1.5.3.2, which discusses the potential effects of the Proposed Project on the 100-year flood flows, and the County approvals required to permit structures within a floodplain (e.g., per Grading Ordinance Section 87.602 [a] and the Zoning Ordinance Section 7358 [a][6]). As discussed therein, all structures to be placed within floodplain must be designed to withstand periodic flooding (including the masts and inverters).</p> <p>Furthermore, impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review. “[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (Ballona Wetlands Land Trust v. City of Los Angeles (2011) 201 Cal.App.4th 455, 473.) The scenario described by the commenter is the effects of preexisting environmental hazards on structures in the project, as explicitly found by the court in the Ballona decision, and therefore “do not relate to environmental impacts under CEQA and cannot support an argument that the effects of the environment on the project must</p>
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	<p>be analyzed in an EIR.” (Id. at p. 475.)</p> <p>Financial arrangements between the applicants and the County are also outside the scope of environmental review for the purposes of CEQA. DPEIR Section 1.2.1.1 describes the County’s requirements to provide financial security for decommissioning of the Project.</p> <p>I98-9 The comment is acknowledged and will be included in the FPEIR for review and consideration by the decision makers. The Tule Wind Project facilities that the Proposed Project will utilize, including the Tule Wind transmission line that the Rugged solar farm intends to use, have been fully evaluated in the separate environmental review process for the Tule Wind Project.</p> <p>References</p> <p>14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.</p>
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